

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MALIK WILLIAMS	)	CASE NO.
	)	
and	)	JUDGE
	)	
MARY WILLIAMS,	)	
	)	
Plaintiffs,	)	<b><u>PLAINTIFFS' COMPLAINT</u></b>
	)	
vs.	)	<i>[Jury Demand Endorsed Hereon]</i>
	)	
MANUEL KAFAS	)	
	)	
and	)	
	)	
KOSTANDINOS KAFANTARIS,	)	
	)	
Defendants.	)	

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Now come Plaintiffs Malik Williams and Mary Williams, by and through undersigned counsel, and for their Complaint against the above-named Defendants state and aver as follows:

**STATEMENT OF FACTS**

1. This civil-rights action seeks relief for Defendants' violation of Plaintiff Malik Williams's right to be free from racially motivated violence, as secured and guaranteed by 42 U.S.C. § 1985(3) and the Thirteenth Amendment to the United States Constitution and the laws of the State of Ohio.

2. The claims asserted in this Complaint arise from a hate-fueled attack perpetrated in concert by Defendants Manuel Kafas and Kostandino Kafantaris upon Plaintiff Malik Williams on July 2, 2021.

3. On that day, a graduation party was held at the St. Sava Serbian Orthodox Church in Parma, Ohio.

4. Malik, who is African American, attended the party by invitation with his then-girlfriend, who is White.

5. Everyone else at the graduation party was White, including Defendants.

6. While at the party, Defendant Kafantaris groped Malik's girlfriend's buttocks, hoping to elicit an angry reaction from Malik.

7. Malik refused to take the bait, and Defendant Kafantaris told Malik in a derogatory manner to "stay in your place."

8. Defendant Kafantaris aggressively asked Malik, "Are you trying to fuck with me?" Malik calmly replied, "No."

9. Thereafter, Defendant Kafantaris, who has a history of uttering racial slurs, sucker-punched Malik in the back of the head.

10. Following the initial sucker punch, Defendant Kafantaris pounded Malik multiple times while calling Malik the N word, yelling out comments such as, "Yeah, yeah, you N\*\*\*\*\*!"

11. Defendant Kafas, who is Defendant Kafantaris's father, immediately joined in the fray and assisted Defendant Kafantaris in concert with both Defendants using the N-word throughout the attack.

12. Together, Defendants Kafantaris and Kafas repeatedly punched, choked, and otherwise beat Malik, causing injuries that required Malik to seek medical attention.

13. The beatings by the Defendants were intentional, malicious, and in wanton and reckless disregard of the rights and feelings of Malik.

14. The beatings by the Defendants intended to hurt, injure, and otherwise cause pain to Malik.

15. Because of the openly race-fueled expressions and sentiments made by the Defendants, Malik was reasonably in fear for his life and for the bodily injury caused by the Defendants.

16. Both Defendants were arrested shortly thereafter for their violent behavior toward Malik.

17. Defendant Kafantaris was criminally charged with ethnic intimidation, aggravated menacing, and assault and was thereafter convicted in a plea deal.

18. Defendant Kafas was criminally charged with assault and was thereafter convicted in a plea deal.

#### **JURISDICTION AND VENUE**

19. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as certain claims asserted herein arise under the Constitution and laws of the United States, to wit, the Thirteenth Amendment to the United States Constitution and 42 U.S.C. § 1985(3).

20. Supplemental jurisdiction over the state law claims asserted herein is invoked pursuant to 28 U.S.C. § 1367.

21. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2) because both Defendants reside in Ohio in the Northern District of Ohio and the events giving rise to the claims asserted herein occurred in the Northern District of Ohio.

#### **PARTIES**

22. Plaintiff Malik Williams resides in the Northern District of Ohio.

23. Plaintiff Mary Williams, who is Malik's mother, resides in the Northern District of Ohio.

24. Defendant Manuel Kafas resides in the Northern District of Ohio.

25. Defendant Kostandino Kafantaris resides in the Northern District of Ohio.

**FIRST CLAIM FOR RELIEF**

**(Conspiracy to Deprive Plaintiff Malik Williams of His Thirteenth Amendment Right to Be Free from Racial Violence pursuant to 42 U.S.C. § 1985(3))**

26. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

27. On July 2, 2021, Defendants entered into an understanding in concert with each other by their words and conduct to attack and injure Plaintiff Malik Williams on account of his race.

28. The purpose of this agreement was to deprive Malik of the equal enjoyment of rights secured under the Thirteenth Amendment to the Constitution of the United States and by the laws attendant to and enacted by the Congress in accordance with the Thirteenth Amendment to be free from racial violence, a right that has been long recognized by the U.S. Supreme Court.

29. Defendants' coordinated, hate-fueled attack on Malik caused him to suffer physical and emotional injuries.

30. As a direct and proximate result of Defendants' conspiracy, Malik suffered physical, mental, and emotional pain and suffering, and pecuniary loss, including medical bills.

**WHEREFORE**, Plaintiff Malik Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Plaintiff Malik Williams for the injuries, damages, and losses he has suffered and will continue to suffer;

- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;
- c. Costs of suit and reasonable attorneys' and expert fees pursuant to 42 U.S.C. § 1988;
- d. Pre-judgment and post-judgment interest; and
- e. All such other relief to which the Plaintiff Malik Williams is entitled and/or that this Court deems equitable.

**SECOND CLAIM FOR RELIEF**  
**(Assault and Battery)**

31. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

32. On July 2, 2021, Defendants threatened bodily harm against Malik Williams, which caused Malik to be in fear of imminent peril and death.

33. Defendants had the apparent ability to carry out the threats of bodily harm and, in fact did, intentionally and without permission or privilege, physically injure Malik Williams.

34. The actions of Defendants were intentional, malicious, and in wanton and reckless disregard of the rights and feelings of Malik Williams.

35. As a direct and proximate result of being assaulted and battered by Defendants, Plaintiff Malik Williams endured and suffered extreme physical, mental and emotional pain and suffering.

**WHEREFORE**, Plaintiff Malik Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Malik Williams for the injuries, damages and losses he suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;

- c. Costs of suit and reasonable attorneys' fees;
- d. Pre-judgment and post-judgment interest; and
- e. All such other relief to which the Malik Williams is entitled and/or this Court deems equitable.

**THIRD CLAIM FOR RELIEF**  
**(Intentional Infliction of Emotional Distress)**

36. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

37. At the aforementioned time and place, Defendants intended to cause severe emotional distress to Malik Williams.

38. Defendants' conduct was so extreme and outrageous as to go beyond all possible bounds of decency and was utterly intolerable in a civilized society.

39. The actions of Defendants were intentional, malicious, and in wanton and reckless disregard of the rights and feelings of Malik Williams.

40. As a direct and proximate result of Defendants' extreme and outrageous conduct as alleged herein, Malik Williams endured and suffered serious physical injury and mental anguish that no reasonable person could be expected to endure.

**WHEREFORE**, Plaintiff Malik Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Malik Williams for the injuries, damages and losses he suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;
- c. Costs of suit and reasonable attorneys' fees;
- d. Pre-judgment and post-judgment interest; and

- e. All such other relief to which the Malik Williams is entitled and/or this Court deems equitable.

**FOURTH CLAIM FOR RELIEF**

**(Civil Action for Damages for Criminal Act pursuant to O.R.C. 2307.60)**

41. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

42. On July 2, 2021, Defendants injured Malik William by criminal acts, including criminal assault and ethnic intimidation, and are therefore liable under Ohio Revised Code 2307.60.

**WHEREFORE**, Plaintiff Malik Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Malik Williams for the injuries, damages and losses he suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;
- c. Costs of suit and reasonable attorneys' fees;
- d. Pre-judgment and post-judgment interest; and
- e. All such other relief to which the Malik Williams is entitled and/or this Court deems equitable.

**FIFTH CLAIM FOR RELIEF**

**(Civil Action for Damages for Ethnic Intimidation pursuant to O.R.C. 2307.70)**

43. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

44. On July 2, 2021, Defendants injured Malik William by acts of ethnic intimidation in violation of Ohio Revised Code 2927.21, and are therefore liable under Ohio Revised Code 2307.70.

**WHEREFORE,** Plaintiff Malik Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Malik Williams for the injuries, damages and losses he suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;
- c. Costs of suit and reasonable attorneys' fees;
- d. Pre-judgment and post-judgment interest; and
- e. All such other relief to which the Malik Williams is entitled and/or this Court deems equitable.

**SIXTH CLAIM FOR RELIEF**  
**(Loss of Consortium)**

45. Plaintiffs repeat and reallege every allegation set forth in every preceding paragraph as if fully rewritten herein.

46. As a direct and proximate result of the acts and omissions alleged herein of Defendant, Mary Williams, Malik's mother, has suffered and will continue to suffer loss of consortium, including companionship, society, comfort, love, and solace.

**WHEREFORE,** Plaintiff Mary Williams prays for judgment against Defendants, jointly and severally, for:

- a. Compensatory damages in an amount that will fully and fairly compensate Mary Williams for the injuries, damages and losses she suffered;
- b. Punitive damages in an amount that will serve to adequately punish and deter Defendants' misconduct;
- c. Costs of suit and reasonable attorneys' fees;
- d. Pre-judgment and post-judgment interest; and
- e. All such other relief to which the Mary Williams is entitled and/or this Court deems equitable.



***TRIAL BY JURY ON ALL CLAIMS FOR RELIEF HEREBY DEMANDED.***

DATED this 30<sup>th</sup> day of June 2022.

/s/ Jeremy A. Tor

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